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8 *Attorneys for Defendant*
9 **INTEGON NATIONAL INSURANCE**
10 **COMPANY**

11 *[Additional counsel on signature page]*

12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**

14 **JOHN CASTORINA,**
15 individually and on behalf of all
16 others similarly situated,

17 Plaintiff,

18 v.

19 **BANK OF AMERICA, N.A. and**
20 **INTEGONNATIONAL**
21 **INSURANCE COMPANY,**

22 Defendants.

Case No. 2:21-CV-02004-WBS-KJN

**STIPULATION TO EXTEND TIME
FOR DEFENDANT INTEGON
NATIONAL INSURANCE COMPANY
TO RESPOND TO COMPLAINT AND
SET BRIEFING SCHEDULE FOR
DEFENDANTS' MOTIONS TO
DISMISS; ORDER**

HON. WILLIAM B. SHUBB

**STIPULATION TO EXTEND TIME FOR DEFENDANT INTEGON
NATIONAL INSURANCE COMPANY TO RESPOND TO COMPLAINT AND
SET BRIEFING SCHEDULE FOR DEFENDANTS' MOTIONS TO DISMISS**

Defendants Integon National Insurance Company ("Integon") and Bank of America, N.A. ("BANA" and with Integon, "Defendants") and Plaintiff John Castorina ("Plaintiff") (and with Defendants, the "Parties"), through their undersigned counsel, hereby submit this Stipulation to Extend Time for Integon to Respond to Complaint and Set Briefing Schedule for Defendants' Motions to Dismiss as follows:

1. Plaintiff filed the Complaint in this matter on October 29, 2021.
2. On November 3, 2021, Plaintiff served the Complaint upon the registered agent for Bank of America, N.A., CT Corporation System.
3. On November 3, 2021, Plaintiff represents that he served the Complaint upon the registered agent for Integon, Corporation Service Company. Integon was informed that for unknown reasons Corporation Service Company does not have a record of the claimed November 3 service, and the Complaint was not directly received by Integon at the time of service. Notwithstanding, Counsel for Integon and Plaintiff have met and conferred and agreed to a response date of March 7, 2022, for Integon to answer or otherwise respond to the Complaint.
4. BANA and Plaintiff previously agreed to a response date and briefing schedule for BANA's anticipated motion to dismiss. BANA and Plaintiff submitted a joint stipulation, and on November 17, 2021, the Court ordered as follows:

BANA shall answer or otherwise respond to the Complaint on or before January 12, 2022, and should BANA move to dismiss the Complaint, Plaintiff's response brief will be due on or before February 23, 2022, and BANA's reply brief will be due on or before March 16, 2022. Hearing on said motion (if filed) shall be set for March 21, 2022 at 1:30 p.m. The Scheduling Conference is continued to May 9, 2022 at 12:30 p.m. A joint status report shall be filed no later than April 25, 2022.

(Dkt. #13.)

1 5. BANA's motion to dismiss was filed on January 12, 2022. (Dkt. # 15.)

2 6. Integon intends to move to dismiss the Complaint.

3 7. The Parties have met and conferred and agreed that in the interest of
4 judicial economy and to preserve the resources of the Court and the Parties, it is
5 desirable to coordinate the briefing schedules and hearing date for BANA's motion to
6 dismiss, which was filed on January 12, 2022, and Integon's anticipated motion to
7 dismiss.

8 8. Counsel for the Parties conferred and agreed on the following briefing
9 schedule, subject to the Court's approval:

10 a. Plaintiff's opposition brief to BANA's motion to dismiss will be
11 due on or before March 21, 2022, and BANA's reply brief will be
12 due on or before April 11, 2022.

13 b. Integon's response to Plaintiff's Complaint will be submitted on or
14 before March 7, 2022. Should Integon move to dismiss the
15 Complaint, Plaintiff's opposition brief to Integon's motion to
16 dismiss will be due on or before March 21, 2022, and Integon's
17 reply brief will be due on or before April 11, 2022.

1 9. The hearing on BANA's motion to dismiss is scheduled for March 21,
2 2022 at 1:30 p.m. (Dkt. #15; Dkt. #13.) Subject to the Court's availability, the Parties
3 have agreed to continue the hearing on BANA's motion to dismiss to April 18, 2022 at
4 1:30 p.m., or as soon thereafter as the matter may be heard in the above-captioned
5 Court.

6 10. Should Integon move to dismiss the Complaint, Integon will notice its
7 motion to dismiss for April 18, 2022 at 1:30 p.m., or as soon thereafter as the matter
8 may be heard in the above-captioned Court, to allow for BANA's and Integon's
9 motions to dismiss to be heard at the same time.

10 11. There have been no previous extensions of time for Integon to respond to
11 the Complaint.

12 12. BANA's initial response to the Complaint was extended with approval of
13 the Court to January 12, 2022, (Dkt. #13), and BANA timely-filed its motion to
14 dismiss, (Dkt. # 15).

15 **Accordingly, it is hereby agreed to and stipulated by the Parties, and**
16 **respectfully requested that the Court order that:**

17 The hearing on BANA's motion to dismiss (Dkt. #15) is continued to April 18,
18 2022 at 1:30 p.m. Plaintiff's opposition brief to BANA's motion to dismiss will be
19 due on or before March 21, 2022, and BANA's reply brief will be due on or before
20 April 11, 2022.

21 Integon shall answer or otherwise respond to the Complaint on or before March
22 7, 2022; and should Integon move to dismiss the Complaint, Plaintiff's opposition
23 brief will be due on or before March 21, 2022, and Integon's reply brief will be due on
24 or before April 11, 2022. Hearing on said motion (if filed) shall be set for April 18,
25 2022 at 1:30 p.m.

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ORDER


IT IS SO ORDERED:

The hearing on BANA's motion to dismiss (Dkt. #15) is continued to April 18, 2022 at 1:30 p.m. Plaintiff's opposition brief to BANA's motion to dismiss will be due on or before March 21, 2022, and BANA's reply brief will be due on or before April 11, 2022.

Integon shall answer or otherwise respond to the Complaint on or before March 7, 2022; and should Integon move to dismiss the Complaint, Plaintiff's opposition brief will be due on or before March 21, 2022, and Integon's reply brief will be due on or before April 11, 2022. Hearing on said motion (if filed) shall be set for April 18, 2022 at 1:30 p.m.

The Scheduling Conference will remain May 9, 2022 at 1:30 p.m. A joint status report shall be filed no later than April 25, 2022.

Dated: February 15, 2022


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

Dated: February 15, 2022

WINSTON & STRAWN LLP

By: MARGARET E. DAYTON
Attorneys for Defendant
Integon National Insurance Company

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By:

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*Attorneys for Plaintiff
John Castorina*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed on February 15, 2022, with the Clerk of the Court using CM/ECF which caused a copy to be served on all counsel of record.

Dated: February 15, 2022

By: _____
Margaret E. Dayton